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SUBJECT: RE-RUN ELECTIONS TO BE HELD AMIDST A CLOUD OF LITIGATION

REF: (A) BANGKOK 2294 (B) BANGKOK 2156

1. (SBU) Summary: The Thai electorate will head for the polling booths again on April 23 to try to resolve some 40 lower house constituencies where no candidates had been able to garner more than 20 percent of the votes in single party polls in the earlier general elections (and one where the single candidate was later disqualified). The rerun votes are being held amid a giant legal scrum of petitions and counter-petitions between the Thai Rak Thai (TRT), the Election Commission of Thailand (EC), the Democrat Party (DP) and the People's Alliance for Democracy (PAD). While the goal of the EC is to resolve all seats to allow Parliament to sit, no one is holding their breath -- election officials are planning to hold another round on April 30 -- just in case. End summary

VIRTUALLY ALL POLLS TO BE HELD IN THE SOUTH

2. (U) The re-run polls are taking place virtually all in the south, where strong support for the opposition DP's boycott and deep animosity towards TRT denied the TRT candidates their minimum 20 percent of the voters in the absence of an opponent. Apart from Samut Sakhon, near Bangkok, the southern provinces where Sunday's polling with take place include Songkhla, Chumphon, Narathiwat, Satun, Trang, Nakhon Si Thammarat, Pattani, Phang-nga, Pattalung, Phuket and Surat Thani. (Note: Embassy officers will monitor the polls in Songkhla and Samut Prakhon. End note.)

COURT TURNS DOWN DP BID TO SCRAP ELECTION RE-RUN

3. (U) In the lead-up to the polls, the interested parties are engaged in a flurry of legal suits. On April 20, the Central Administrative Court dismissed the complaint of the DP's Deputy Secretary-General against the Election Commission for violation of the election law. In his complaint, Deputy Secretary General Thaworn charged that the Election

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Commission's orders for the registration of candidates to be held on April 8-9 and for the election to be re-run on April 23 were illegal.

4. (U) In its ruling, the court stated that though Thaworn had the right under the Constitution to file lawsuits against the Election Commission, the Election Commission's orders on candidate registration and election re-run were not considered as the exercise of administrative power. It also said this judgment was based on the precedent decision of the Constitutional Court, which was final and bound every party, including the Administrative Court itself. For this reason, it said, the Administrative Court shall have no authority to accept Thaworn's complaint for consideration.

SOME EC OFFICIALS RESIGN TO PROTEST CENTRAL OFFICE DECISION TO ALLOW NEW APPLICANTS TO REGISTER

5. (SBU) In Songkhla, election directors of 3 constituencies formerly with single candidate resigned after the Election Commission ordered them to conduct another round of new candidate registration this week to contest in the April 23 polls. Four other Songkhla EC officials announced that they will quit, then changed their minds, the Songkhla Election Director told us on April 21.

COURT PETITIONED TO SCRAP ELECTION RE-RUN IN SONGKHLA

6. (U) Also in Songkhla, on April 20, members of the DP leadership filed an emergency petition with the Administrative Court of Songkhla that called for the cancellation of the new-round registration of candidates in that province as well as for the scrapping of re-run votes for 7 stand-alone constituencies. On the same day representatives of the Songkhla PAD, the Teachers, Council of Prince of Songkhla University and "the Lovers of Songkhla" filed yet another emergency petition with the Administrative Court of Songkhla to scrap the re-run polls. A source to us that, following the filing of the petition with the court, about 100 members of the Songkhla Lovers Group moved in a protest motorcade to the homes of the 4 candidates from small political parties who had registered the previous day for the re-run vote. The group also reportedly called for Songkhla voters to dress in black when going to the polls and to mark

the No Vote, block in their ballots.

THAI RAK THAI OFFICIAL URGES SENATORS LINKED TO PAD RALLIES BE DISQUALIFIED

17. (U) Meanwhile, TRT Deputy Spokesperson Chatuporn Phrompan on April 20 called on the EC to disqualify successful Senate candidates who had used PAD forums to appeal for votes. Chatuporn criticized Nakhon Ratchasima caretaker Senator Kraissak Chunhavan, for publicly alleging that at least 170 of the successful candidates have had a close tie with Thai Rak Thai (Note: We have heard allegations that over 100 new Senators may have links to Thaksin and the TRT, but not 170. End note) Chatoporn charged that many of the successful candidates were those who had used PAD rallies to introduce themselves to the public as candidates for the forthcoming Senate election (See ref. b. This is a no-no according to Senate election rules, which essentially bar Senate candidates from campaigning.) He added that the speeches of those candidates were both broadcast live and recorded on VCDs for later distribution to the public.

SOUTHERN ELECTION VIOLENCE FEARS

18. (SBU) The legal turmoil leading up to Sunday's vote is occurring amidst increasing concern in Thailand's deep south that separatists will mount attacks at the time of the polls. Reportedly, scores of election officials and volunteers have tendered resignations for fear of violent attacks by the insurgents. In the Senate elections on the 19th 3 died and more than a dozen were injured in what were believed to be separatist attacks. Not surprisingly, election officials and volunteers are nervous over prospects of renewed attacks on the 23rd.

FINAL RESOLUTION? DON'T COUNT ON IT

19. (SBU) Comment: The upcoming polls will likely catalyze another flurry of charges and petitions to the country's courts, which will reinforce the current air of uncertainty overhanging Thailand's political landscape. There has been no discernible softening of the anti-TRT sentiment among the great majority of voters in the country's south. Not very many observers here believe that there will be a clear TRT winner in each constituency and a clean path to seating a Parliament. In fact election monitoring officials have told us that the EC is contingency planning for another possible round of voting on April 30.

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